

Exhibit 5

Tuesday, May 27, 2014 at 5:10:39 PM Central Daylight Time

Subject: Re: Depo next week

Date: Tuesday, May 27, 2014 at 3:05:46 PM Central Daylight Time

From: Sean Flammer

To: Coogan, Kim

CC: jeff@edwards-law.com, Scott Medlock (scott@edwards-law.com)

Thanks, Kim. We asked about availability several weeks ago and your client did not respond. We properly noticed a deposition for tomorrow and are willing and able to go forward. We are trying to work with you on the timing. Right now we have it set up for tomorrow. You suggested the 3rd. Will the 2nd work? If not, let's do the 3rd. We can't wait until the week of the 16th or the week after. If the witness UTMB chooses to present has training, we trust the GC's office can pull him out for what will only be a few hours for a deposition. Between tomorrow, the 2nd or the 3rd, what works best?

Thanks,

Sean

From: "Coogan, Kim" <kim.coogan@texasattorneygeneral.gov>

Date: Tuesday, May 27, 2014 at 2:43 PM

To: Sean Flammer <sean@edwards-law.com>

Subject: RE: Depo next week

Here is the witness' response:

I'm in training all next week and will be on Vacation the week of June 8th. The earliest I can do it would be:

6/17 1-4 PM

6/18 8-12 AM

6/19 1-4 PM

6/23 8-5 PM

From: Sean Flammer [<mailto:sean@edwards-law.com>]

Sent: Tuesday, May 27, 2014 1:35 PM

To: Coogan, Kim

Subject: Re: Depo next week

I called a few minutes ago but missed you. Can you give me a ring? I think our conversation will last less than 3 minutes.

Thanks,

Sean

From: "Coogan, Kim" <kim.coogan@texasattorneygeneral.gov>

Date: Tuesday, May 27, 2014 at 1:32 PM

To: Sean Flammer <sean@edwards-law.com>

Subject: RE: Depo next week

Sean,

UTMB strongly prefers that the witness not be required to take time off from work and travel. Further, he is in process of handling this ESI discovery which is in Galveston. May we take the depo in

Galveston? June 4-6 are already taken presenting UTMB witnesses in Tyler. How about Tuesday the 3rd?

From: Sean Flammer [<mailto:sean@edwards-law.com>]
Sent: Tuesday, May 27, 2014 1:29 PM
To: Coogan, Kim
Subject: Re: Depo next week

Instead of sending several lawyers to Galveston, why don't we have him come to Austin? It will be cheaper for the State and the taxpayers will appreciate it. Is that a fair compromise? Friday the 6th?

Sean

From: "Coogan, Kim" <kim.coogan@texasattorneygeneral.gov>
Date: Tuesday, May 27, 2014 at 1:21 PM
To: Sean Flammer <sean@edwards-law.com>
Subject: Depo next week

It looks like we will agree to present an IT witness next week. We ask that the depo take place at the deponent's place of business, which is UTMB Galveston. When would you like to depose him?

Kim Coogan
Assistant Attorney General
P.O. Box 12548
Austin, Texas 78711
512-463-2080
512-495-9139 fax
[Kim.coogan@texasattorneygeneral.gov](mailto:kim.coogan@texasattorneygeneral.gov)
Board Certified, Personal Injury Trial Law